

**IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF MICHIGAN  
SOUTHERN DIVISION**

VARILEASE FINANCE, INC., et al,

Plaintiffs,

v.

EARTHCOLOR, INC., et al,

Defendants.

Case No. 18-11390

Hon. George Caram Steeh

Mag. Judge Mona K. Majzoub

*(removed from Oakland  
Business Court, Case No. 18-  
162879-CB (Potts, J.))*

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**ORDER GRANTING PLAINTIFFS' RENEWED MOTION FOR ENTRY  
OF A JOINT AND SEVERAL DEFAULT JUDGMENT AGAINST THE  
DEFAULTED DEFENDANTS AND ENTRY OF DEFAULT JUDGMENT**

On January 16, 2019, the Clerk of the Court entered defaults against Defendants EarthColor, Inc. ("EarthColor"), Media Printing Corporation ("Media Printing"), EC Holdco, Inc., EC Subco, Inc., Barton Press, Inc., Cedar Graphics, Inc., Earth Color Houston, Inc., Earth Color New York, Inc., Earth Thebault, Inc., and EarthColor Group, LLC (collectively, the "Defaulted Defendants") (**Docs. 60-69**).

On July 16, 2019, Plaintiffs Varilease Finance, Inc. and VFI KR SPE I LLC (collectively, "VFI" and "Plaintiffs") filed their Renewed Motion for Entry of a Joint and Several Default Judgment Against the Defaulted Defendants ("Motion") (**Doc. 89**), which the Court has reviewed.

The Court has also reviewed Plaintiffs' Response to the Court's Order Requiring Plaintiffs' Submission of Particularized Billing Records (**Doc. 94**) and Amendment to their Renewed Motion for Entry of Default Judgment Against the Defaulted Defendants (**Doc. 89**) ("Motion Amendment"), filed on August 2, 2019. Among other things, Plaintiffs' Motion Amendment modified the money damages sought in the Motion.

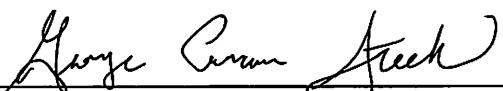
NOW, THEREFORE, IT IS HEREBY ORDERED, ADJUDGED, AND DECREED THAT:

1. Plaintiffs' Motion is granted for the reasons stated in the record.
2. Default judgment is entered in favor of Plaintiffs and against the Defaulted Defendants, jointly and severally, in the total amount of \$596,994.46.
3. Count VII of Plaintiffs' First Amended Complaint—for specific performance—is hereby dismissed with prejudice pursuant to Fed. R. Civ. P. 41(a)(2).
4. Judgment is granted to Plaintiffs for possession in any and all goods, chattels, fixtures, equipment, assets, accounts receivable, contract rights, general intangibles and property of every kind wherever located in which EarthColor has any interest and proceeds thereof, whether now in existence and/or to come into existence other than any property acquired by the Mittera parties from EarthColor (the "EarthColor Assets"). In addition,

Plaintiffs are authorized to foreclose on the security interest in the EarthColor Assets consistent with the “Master Lease Agreement” attached as Exhibit 2 to the Motion and pursuant to applicable law. Further, Plaintiffs are entitled to seek the assistance of a marshal or other appropriate court officer or third-party, to assist in the recovery of possession of EarthColor Assets.

5. Judgment is granted to Plaintiffs for possession in any and all goods, chattels, fixtures, equipment, assets, accounts receivable, contract rights, general intangibles and property of every kind wherever located in which Media Printing has any interest and proceeds thereof, whether now in existence and/or to come into existence other than any property acquired by the Mittera parties from Media Printing (the “Media Printing Assets”). In addition, Plaintiffs are authorized to foreclose on the security interest in the Media Printing Assets consistent with the “Master Lease Agreement” attached as Exhibit 2 to the Motion and pursuant to applicable law. Further, Plaintiffs are entitled to seek the assistance of a marshal or other appropriate court officer or third-party, to assist in the recovery of possession of Media Printing Assets.
6. The Court shall retain jurisdiction to enforce the terms of this judgment.

IT IS SO ORDERED, ADJUDGED, AND DECREED.

  
UNITED STATES DISTRICT JUDGE

Dated: AUG 26 2019